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By:

Barbara Bryant
Barbara Bryant

Date:

November 13, 2003

Patent

Attorney's Docket No. P-128-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MORAN et al.

Application No.: 10/642,926

Filed: August 18, 2003

For: ARYL ANILINE BETA-2
ADRENERGIC RECEPTOR
AGONISTS

Group Art Unit: 1754

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 CFR §1.56, Applicants hereby submit the following information in conformance with CFR §§1.97 and 1.98. Enclosed herewith is form PTO-1449 which lists documents for consideration by the Examiner. Copies of the cited documents are also enclosed herewith.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)).

Consideration of the listed documents is respectfully requested. Additionally, the Examiner is respectfully requested to return an initialed copy of the enclosed form PTO-1449 to Applicants.

Copies of the U.S. patents and patent application publications cited on the accompanying PTO Form 1449 have been omitted in accordance with the notice published August 5, 2003 in the Official Gazette 55, stating that the requirement under 37 CFR 1.98 (a)(2) for submitting such copies has been waived for U.S. national patent applications filed after June 30, 2003.

Pursuant to 37 C.F.R. §1.98(a)(3)(i), a concise explanation of the relevance of the following non-English language documents is provided:

- (1) WO 01/83462 A1 (in German with English abstract) discloses compounds that are betamimetics. To the best of Applicant's knowledge, U. S. patent application Publication No. 2002/0022625 A1, listed as Citation A6 on the accompanying PTO form 1449, is an English language translation of WO 01/83462.
- (2) BE 849.794 (in French with English abstract) discloses carbostyryl derivatives that demonstrate activity at β -adrenoreceptors
- (3) JP 52-83379 (in Japanese with English abstract) discloses compounds that are carbostyryl derivatives that had β sympathomimetic activity.

Additionally, Applicants hereby bring to the Examiner's attention the following commonly assigned, copending applications:

- (1) U.S. Serial No. 10/292,835, filed on November 12, 2002;
- (2) U.S. Serial No. 10/643,196, filed on August 18, 2003.

This Information Disclosure Statement is being filed before the mailing date of a first official action on the merits for this application and therefore, no fee or certification is required under 37 CFR §1.97(b). In the event that an Office Action is mailed prior to receipt of this paper, the Commissioner is hereby authorized to charge the requisite fees under 37 CFR §1.97(c) for submission of this paper to Deposit Account No. 50-0344.

Should there be any questions concerning the cited documents, the Examiner is encouraged to telephone the undersigned agent for Applicants at (650) 808-3764.

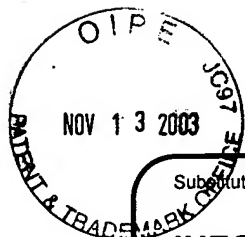
Respectfully submitted,

THERAVANCE, INC.

Date: November 13, 2003

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

1

Complete if Known

Application Number	10/642,926
Filing Date	August 18, 2003
First Named Inventor	Edmund J. MORAN
Art Unit	1754
Examiner Name	Not yet assigned
Attorney Docket Number	P-128-US2

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	A1	US-4,894,219	01-16-1990	Baker et al.	
	A2	US-5,750,701	05-12-1998	Beeley et al.	
	A3	US-6,265,581 B1	07-24-2001	Bell et al.	
	A4	US-6,541,669 B1	04-01-2003	Moran et al.	
	A5	US-6,576,793 B1	06-10-2003	Moran et al.	
	A6	US-2002/0022625 A1	02-21-2002	Walland et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	B1	WO 95/25104 A1	09-21-1995	SmithKline Beecham P.L.C.		
	B2	WO 00/75114 A1	12-14-2000	Novartis AG		
	B3	WO 01/07026 A2	02-01-2001	Eli Lilly and Co.		
	B4	WO 01/35947 A2	05-25-2001	Eli Lilly and Co.		
	B5	WO 01/83462 A1 (in German) with English abstract	11-08-2001	Boehringer Ingelheim Pharma KG		
	B6	WO 02/38544 A2	05-16-2002	Eli Lilly and Co.		
	B7	EP 0 147 719 A2	07-10-1985	Tanabe Seiyaku Co., Ltd.		
	B8	BE 849.794 (in French) with English abstract	4-15-1977	Otsuka Pharmaceutical Co., Ltd.		
	B9	JP 52-83379 (in Japanese) with English abstract	7-12-1977	Otsuka Pharmaceutical Co., Ltd.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	DEYRUP et al., "Structure-affinity profile of 8-hydroxycarbostryl-based agonists that dissociate slowly from the β_2 -adrenoceptor", Naunyn-Schmiedeberg's Arch Pharmacol, Vol. 359: pp 168-177 (1999)	
	C2	ISOGAYA et al., "Binding Pockets of the β_1 - and β_2 -Adrenergic Receptors for Subtype-Selective Agonists", Molecular Pharmacology, Vol. 56, pp 875-885 (1999)	
	C3	MILECKI et al., "Carbostryl Derivatives Having Potent β -Adrenergic Agonist Properties", Vol. 30, pp 1563-1566, 1987	
	C4	YOSHIZAKI et al., "Sympathomimetic Amines Having a Carbostryl Nucleus", Vol. 19, No. 9, pp 1138-1142 (1976)	

Examiner
SignatureDate
Considered